



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

April 16, 2004

The Honorable John Conyers, Jr.
Ranking Minority Member
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Conyers:

This is in response to your letter dated November 25, 2003, to the Attorney General. We appreciate the opportunity to address your concerns regarding the Federal Bureau of Investigation's (FBI) domestic intelligence efforts, particularly as they relate to violent anti-war protesters. We apologize for the delay in responding to you.

In the November 23, 2003, *New York Times* article "FBI Scrutinizes Antiwar Rallies," a recent FBI intelligence bulletin is cited as evidence that the FBI has begun a coordinated, nationwide effort to gather intelligence on peaceful antiwar protesters. Although the article acknowledges at one point that the FBI has focused on "identifying anarchists and 'extremist elements' plotting violence, not at monitoring political speech of law-abiding protesters," we believe the article also creates several misimpressions about the true nature of the FBI's efforts. These misimpressions have created the types of concerns raised in your letter.

First, nowhere in the bulletin cited in the article does it suggest that the FBI is conducting "a coordinated, nationwide effort to collect intelligence regarding demonstrations." The bulletin is not focused on political protesters or others who exercise their First Amendment rights to protest the policies of the government. Instead it simply cites the fact that anarchists and others have used violent tactics to disrupt otherwise peaceful demonstrations. The bulletin then discusses the tactics that state and local law enforcement departments may encounter when policing large marches and rallies. The bulletin does not suggest that state and local law enforcement should collect information on peaceful demonstrators.

Second, we want to assure you that the revised Attorney General's Guidelines (the Guidelines) continue to protect the exercise of constitutional rights. The Guidelines permit agents to attend rallies only "[f]or the purpose of detecting or preventing terrorist activities," and explicitly prohibit "maintaining files on individuals solely for the purpose of monitoring activities protected by the First Amendment." The FBI scrupulously follows those limitations and does not investigate or maintain dossiers on persons because of their "political activities."

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Finally, the last paragraph of the article is inaccurate in its suggestion that the FBI is targeting "civil disobedience." You can be assured that the focus of the FBI's efforts are on such incidents as the millions of dollars in damage that resulted from fires set during the World Trade Organization meeting in Seattle, or the preparation of Molotov cocktails in advance of the International Monetary Fund meeting in Washington, DC. The FBI is not focused on the peaceful expressions of political dissent.

The Department of Justice and the FBI are committed to protecting the constitutional rights of all Americans. We can assure you that our commitment extends to those who oppose any current policies of the U.S. government. In order to fulfill that commitment, however, it is our duty to inform law enforcement at all levels about the tactics of those who wish to infringe on those rights by violently disrupting otherwise peaceful marches and assemblies. The bulletin described in the news accounts was intended to do just that.

As requested we are enclosing a copy of the FBI bulletin in question as well as a copy of the FBI's response to the November 23, 2003, *New York Times* article.

We hope you find this information helpful. If we can be of further assistance on this or any other matter, please do not hesitate to contact this office.

Sincerely,



William E. Moschella
Assistant Attorney General

Enclosures

Image Not
Available

U.S. Department of Justice
Federal Bureau of Investigation

Washington, D.C. 20535-0001

November 25 , 2003

Executive Editor
The New York Times
New York, NY

Dear Executive Editor:

In his November 23, 2003, article "FBI Scrutinizes Antiwar Rallies," Eric Lichtblau cites a recent FBI intelligence bulletin as evidence that the FBI has begun to target antiwar protesters and to gather intelligence on peaceful demonstrators in a coordinated, nationwide initiative. Nothing could be further from the truth, and we feel it is important to set the record straight.

Mr. Lichtblau acknowledges at one point that the FBI has focused on "identifying anarchists and 'extremist elements' plotting violence, not at monitoring political speech of law-abiding protesters," but then creates several misimpressions about the true nature of the FBI's efforts.

First, nowhere in the bulletin cited in Mr. Lichtblau's article does it suggest that the FBI is conducting "a coordinated, nationwide effort to collect intelligence regarding demonstrations." The bulletin is not focused on political protesters or others who exercise their first amendment rights to protest the policies of the government, but simply cites the fact that anarchists and others have used violent tactics to disrupt otherwise peaceful demonstrations. The bulletin then discusses the tactics that state and local law enforcement departments may encounter when policing large marches and rallies. The bulletin does not suggest that state and local law enforcement should collect information on peaceful demonstrators.

Second, Mr. Lichtblau incorrectly implies that the issuance of new Attorney General Guidelines that permit agents to attend political rallies and other events that are open to the public has resulted in improper domestic intelligence gathering. The Attorney General Guidelines permit agents to attend such rallies only "[f]or the purpose of detecting or preventing terrorist activities," and explicitly prohibit "maintaining files on individuals solely for the purpose of monitoring activities protected by the First Amendment." We scrupulously follow those limitations, and we do not investigate or maintain dossiers on persons because of their "political activities."

Finally, the last paragraph of the article is wrong to suggest that the FBI is targeting "civil disobedience." Civil disobedience did not cause millions of dollars in damage from fires set during the World Trade Organization meeting in Seattle. Nor was it civil disobedience to prepare molotov cocktails in preparation for an IMF meeting in Washington, D.C. Those activities, and not the peaceful expression of political dissent, are the focus of our efforts.

The FBI is committed to protecting the constitutional rights of all Americans, including those who oppose current policies of the government. In order to do so, we must make law enforcement aware of the tactics of those who wish to impinge on those rights by violently disrupting otherwise peaceful marches and assemblies. The bulletin described in Mr. Lichtblau's article was intended to do just that.

Sincerely,

Cassandra M. Chandler
Assistant Director
Office of Public Affairs



FBI INTELLIGENCE BULLETIN LAW ENFORCEMENT SENSITIVE

FBI INTELLIGENCE BULLETIN #89

October 15, 2003

TO: Law Enforcement Agencies

FROM: FBI Counterterrorism Division

THREAT LEVEL UNCHANGED: YELLOW (ELEVATED).

THE FBI INTELLIGENCE BULLETIN, DISSEMINATED ON A WEEKLY BASIS, PROVIDES LAW ENFORCEMENT WITH CURRENT, RELEVANT TERRORISM INFORMATION DEVELOPED FROM COUNTERTERRORISM INVESTIGATIONS AND ANALYSIS. THE INTELLIGENCE BULLETIN DOES NOT CONTAIN THREAT WARNING INFORMATION.

HANDLING NOTICE: Recipients are reminded that the Intelligence Bulletin is designated "Law Enforcement Sensitive," and should not be disseminated beyond law enforcement circles.

ITEM: TACTICS USED DURING PROTESTS AND DEMONSTRATIONS

On October 25, 2003, mass marches and rallies against the occupation in Iraq are scheduled to occur in Washington, D.C. and San Francisco, California. While the FBI possesses no information indicating that violent or terrorist activities are being planned as part of these protests, the possibility exists that elements of the activist community may attempt to engage in violent, destructive, or disruptive acts. Most protests are peaceful events; however, a number of demonstrations, including the biannual International Monetary Fund and World Bank meetings, are more likely to be violent and disruptive and to require enhanced law enforcement security. Several effective and innovative strategies are commonly used by protestors prior to, during, and after demonstrations. The following tactics have been observed by U.S. and foreign law enforcement agencies while responding to criminal activities conducted during protests and demonstrations.

Protestors often use the internet to recruit, raise funds, and coordinate their activities prior to demonstrations. Activists may also make use of training camps to rehearse tactics and counter-strategies for dealing with the police and to resolve any logistical issues.

If a demonstration is going to take place in a secure facility, activists may seek to gain access to the site using false documentation. Surveillance of sites prior to demonstrations can allow activists to identify locations of command posts and law enforcement personnel in order to plan effective countermeasures.

Traditional demonstration tactics by which protestors draw attention to their causes include marches, banners, and forms of passive resistance such as sit-ins. Extremist elements may engage in more aggressive tactics that can include vandalism, physical harassment of delegates, trespassing, the formation of human chains or shields, makeshift barricades, devices used against mounted police units, and the use of weapons—such as projectiles and homemade bombs. Even the more peaceful techniques can create a climate of disorder, block access to a site, draw large numbers of police officers to a specific location in order to weaken security at other locations, obstruct traffic, and possibly intimidate people from attending the events being protested.

During the course of a demonstration, activists often communicate with one another using cell phones or radios to coordinate activities or to update colleagues about ongoing events. Other types of media equipment (video cameras, photographic equipment, audio tape recorders, microphones, and computer and radio equipment) may be used for documenting potential cases of police brutality and for distribution of information over the internet.

Extremists may be prepared to defend themselves against law enforcement officials during the course of a demonstration. Masks (gas masks, goggles, scarves, scuba masks, filter masks, and sunglasses) can serve to minimize the effects of tear gas and pepper spray as well as obscure one's identity. Extremists may also employ shields (trash can lids, sheets of plexiglass, truck tire inner tubes, etc.) and body protection equipment (layered clothing, hard hats and helmets, sporting equipment, life jackets, etc.) to protect themselves during marches. Activists may also use intimidation techniques such as videotaping and the swarming of police officers to hinder the arrest of other demonstrators.

After demonstrations, activists are usually reluctant to cooperate with law enforcement officials. They seldom carry any identification papers and often refuse to divulge any information about themselves or other protestors. Post-demonstration activities can include fundraising in support of the legal defense of accused protestors and demonstrations of solidarity calling for the release of the accused.

Law enforcement agencies should be alert to these possible indicators of protest activity and report any potentially illegal acts to the nearest FBI Joint Terrorism Task Force.

ADMINISTRATIVE NOTE: LAW ENFORCEMENT RESPONSE

Information contained in the FBI Intelligence Bulletin is Law Enforcement Sensitive and intended for official use only. No portion of this Bulletin should be released to the media, the general public or over non-secure Internet servers. Release of Law Enforcement Sensitive material could adversely affect or jeopardize investigative activities.

Departments are requested to contact the nearest FBI field office or resident agency in their area should additional information be developed related to the above matter. Questions regarding the content of these Bulletins should also be directed to the nearest FBI field office or resident agency. Specific comments or suggestions about the format or content can be provided to lesc@leo.gov.

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